

EXHIBIT 24

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)	
)	
Plaintiff,)	
)	
vs.)	No. 20-cv-00983
)	
CITY OF SEATTLE,)	
)	
Defendant.)	

VIDEOTAPED VIDEOCONFERENCE 30(B)(6) AND INDIVIDUAL
DEPOSITION UPON ORAL EXAMINATION OF
CITY OF SEATTLE
(HAROLD SCOGGINS)

***PORTIONS OF THIS TESTIMONY ARE DESIGNATED
CONFIDENTIAL AND ARE SEALED
UNDER A SEPARATE COVER.***

Seattle, Washington
(All participants appeared via videoconference.)

DATE TAKEN: SEPTEMBER 14, 2021

REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

1 during disasters, to be able to access the phone. So
2 through our internal channels I turned it in.

3 Q. Okay. And do you also have a personal phone
4 that you use, in addition to your city phone?

5 A. I do, for personal calls.

6 Q. Okay. At some point in 2020 did you have a
7 problem accessing your phone?

8 A. I did.

9 Q. Okay. What can you tell me about that?

10 A. Sure. It was on October 8th. That day is now
11 top of mind for me.

12 So what happened was -- well, let me provide a
13 little context. So my phone is my primary communication
14 device, not just for phone calls, but for our emergency
15 responses. So I'm notified when there are larger
16 responses or significant responses 24/7.

17 So early in the a.m., I believe, on
18 October 8th, I probably got -- I get woken up a lot at
19 night, let's just say that. And sometimes I remember
20 the password or -- or your thumbprint works or
21 something, but this morning -- that particular morning,
22 I -- I -- for some reason the phone got locked up
23 because I put the wrong password in. And when you do
24 that so many times, it will just lock you out of the
25 phone.

1 So on that morning I came into the office, I
2 sent a note to our IT folks, and I said, "Hey, I need
3 some assistance. My phone is locked up."

4 We go through a series of communications. I
5 say, "Can you load iTunes on my work computer?"
6 Throughout the course of this day I couldn't get that
7 accomplished. They're sending me, "Go on the website,
8 look at this," or "do that," and so I'm trying to manage
9 my day, and I'm trying to get my phone unlocked, all at
10 the same time.

11 And at the end of that day, after multiple
12 communications and conversations, we hadn't solved the
13 problem, and no one had helped me to solve the problem,
14 so I went to the Apple store, and waited in line at the
15 end of the day because I did not want to go a night
16 without having my phone.

17 And the reason why this becomes very important
18 for me as a person is the last time when I didn't have
19 my phone at night was the night of the Greenwood
20 explosion. Many of you may remember here in Seattle we
21 had a building that exploded in the middle of the night
22 on Greenwood. That night I didn't have my phone. I
23 dropped it that day, and it actually broke that day. So
24 I gave it to IT, I think it's not a big deal, they'll
25 give me a new phone tomorrow. 2:00 or 3:00 in the

1 morning there's a fire engine outside of my house,
2 knocking on my front door saying, "Chief, we had an
3 explosion. Twelve firefighters are in the hospital."

4 They couldn't call me, even on my personal
5 phone. I set that to do not disturb at night, so I get
6 no phone calls on my personal phone. So I thought, one
7 night, not a big deal. We have an explosion.

8 That's what was playing in my mind. So when I
9 went to the Apple store and -- and this is during COVID,
10 so, you know, you wait in line, and, you know, he takes
11 your phone inside, they go look at it, and they said the
12 only thing we can do is -- is a hard reset. I said
13 okay. So they did the hard reset. I reconnected up
14 with our dispatch center so I can get our emergencies
15 sent to me.

16 Q. Okay. So the iPhone 8 has a -- has a
17 fingerprint function on it, right, where you can put
18 your thumbprint on there and it will open up the phone;
19 is that correct?

20 A. I believe that is correct.

21 Q. Okay. Did you usually use your fingerprint to
22 get into your phone?

23 A. I think I did. And that was another thing that
24 was puzzling to me on why all this happened on that
25 morning.

1 Q. Okay. And then another way to get into the
2 phone on the IOS system, as I understand it, is you have
3 a numeric pass code that's like four or six characters;
4 right?

5 A. Uh-huh.

6 Q. Is that -- do you -- is that correct? It was
7 four or six?

8 A. I don't know what it was --

9 Q. Okay.

10 A. -- yeah.

11 Q. Had you created that pass code?

12 A. Oh, yeah. You have to create it.

13 Q. Yeah. So did you not remember your pass code
14 that morning, or what -- what happened?

15 A. I -- I have no idea what happened. It -- it's
16 probably like most things, when I put in the first one,
17 I -- oh, it must be this one. We all have probably four
18 or five that we recycle through. And I put in the next
19 one, and that doesn't work. You put in the next one and
20 that doesn't work. I mean -- and so I go through this
21 whole series of process. So the first time it says the
22 phone's locked for a minute. The next time for five
23 minutes. The next time for an hour. The next time a
24 day. And then eventually it's just locked. So you go
25 through this -- this process, because I have, like, four

1 or five passwords that I use for most things, and -- and
2 I'm not sure what happened on this morning.

3 Q. Okay. So you said that at some point your
4 phone was locked for like an hour. After so many inputs
5 it locks it for a period of time; right?

6 A. Uh-huh.

7 Q. And so you were concerned about not having
8 access to your phone at that time; is that correct?

9 A. That is correct.

10 Q. So while you were locked out for an hour, did
11 you contact the IT department at that point, or did you
12 just wait and put it in again?

13 A. I don't -- no, I think I waited to put it in
14 again because I think this started, like, in the wee
15 hours of the morning. So my phone goes off for an
16 emergency, and I'm trying to get in it, and then that's
17 when this whole series of events started to happen.

18 Q. At that point, in October of 2020, what had
19 you -- what had you heard about any litigation hold that
20 existed or communications related to the CHOP?

21 MR. FARMER: Just a moment.

22 So Chief Scoggins, you can provide a date on
23 which you were informed of a litigation hold. In your
24 answer you are not to disclose communications with the
25 City Attorney's office or any other counsel.

1 A. Yes. He was my -- he's -- he was -- I did
2 regular check-ins with Senior Deputy Mayor Fong because
3 he -- out of the deputy mayors, they have the
4 departments broken up, and Senior Deputy Mayor Fong had
5 police and fire, so I communicated with him.

6 Q. How about Chief Carmen Best, the chief of
7 police? Do you recall having text communications with
8 her in June of 2020?

9 A. Yeah, I'm sure I did.

10 Q. Okay. Do you recall having text communications
11 with her at other times, other than June 2020?

12 A. Well, she's the chief of police and I'm the
13 fire chief, so I'm sure we communicated.

14 Q. Okay. How about Mayor Durkan? Do you recall
15 having text communications with Mayor Durkan in June of
16 2020?

17 A. Yeah, I'm sure I did.

18 Q. Okay. And how about -- how about outside of
19 June 2020 as well? Would you have had communications
20 with her via text on your City-issued phone?

21 A. Yes.

22 Q. Okay. So going back to October 2020, when was
23 the first time that you contacted the IT department? At
24 what stage in your attempt to get into your phone did
25 you contact the IT department?

1 Q. I didn't mean to talk over you. I just -- I
2 miscalculated when I thought you were done.

3 So did you ever physically meet with someone in
4 the IT -- IT department in -- on October 8, 2020?

5 A. I don't think I did.

6 Q. So was your first person-to-person interaction
7 regarding your locked phone with the Apple store that
8 evening?

9 A. That is correct. And the context is important
10 in IT's defense. Everyone was working from home during
11 this time. The fire department was not working -- I was
12 not working from home, but all of the -- most of the IT
13 folks who would have been in an office somewhere else
14 since March had been working from home. So there was no
15 one downstairs or in another building. That's why it
16 was done by email.

17 Q. Okay. Did you ever talk to them on the phone
18 on the morning or afternoon of October 8, 2020?

19 A. I think I may have.

20 Q. Why were you trying to get iTunes loaded
21 down -- onto your computer?

22 A. Because some of the information referenced that
23 if you can get iTunes, maybe you can connect your phone
24 up and sync it, and maybe you can do something to unlock
25 it. It was just one of the suggestions.

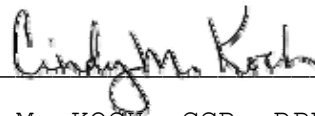
C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Cindy M. Koch, a Certified Court Reporter in
and for the State of Washington, do hereby certify that
the foregoing transcript of the deposition of Harold
Scoggins, having been duly sworn, on September 14, 2021,
is true and accurate to the best of my knowledge, skill
and ability.

IN WITNESS WHEREOF, I have hereunto set my hand
and seal this 23rd day of September, 2021.



CINDY M. KOCH, CCR, RPR, CRR



My commission expires:

JUNE 9, 2022



DECLARATION

CASE NAME: Hunters Capital, LLC v. City of Seattle

DATE TAKEN: 9/14/2021

WITNESS: 30(b)(6) and Individual Deposition of Harold Scoggins with Confidential Excerpt

I declare under penalty of perjury under the laws of the State of Washington that I have read my within deposition, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the ERRATA flyleaf page hereof.



30(b)(6) and Individual Deposition of
Harold Scoggins with Confidential Excerpt

Signed on the 22 day of October, 2021.



ERRATA

CASE NAME: Hunters Capital, LLC v. City of Seattle

DATE TAKEN: 9/14/2021

WITNESS: 30(b)(6) and Individual Deposition of Harold Scoggins with Confidential Excerpt

CORRECTIONS

Page	Line	Now Reads	Should Read
------	------	-----------	-------------

		I have reviewed the entire document and focused on my answers. They all seem correct, but it was hard to determine my exact answers vs. the words on the paper without having the audio to playback. I think the intent and context is correct.	

A handwritten signature in dark ink, consisting of a large, stylized 'H' or 'S' shape.

Signature of Deponent